

**NHDES**

**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



December 21, 2001

**CERTIFIED MAIL #7099 3400 0018 1299 2538  
RETURN RECEIPT REQUESTED**

Board of Selectmen  
Town of Croydon  
879 NH Route 10  
Croydon, NH 03773

**SUBJECT: Administrative Order No. WMD 01-16**

Dear Members of the Board:

On November 28, 2001, the Department of Environmental Services (Department) contacted Ms. Brenda McGuire, the Town Clerk, by telephone to discuss the closure of the Town's landfill located off Sawyer Meadow Road. Ms. McGuire was told that a review of Department files indicated that the Town had not applied for or obtained a landfill permit from the Department. Lacking a permit, the only regulatory mechanism under which the Department can approve the landfill closure project is an Administrative Order.

The Department recognizes the efforts the Town has made regarding closure of the municipal landfill and is issuing this Administrative Order to resolve the permit issue. Should you have any questions regarding this Administrative Order please contact Mr. Worthen Muzzey of the Solid Waste Management Bureau at the address listed above, or by phone at 271-2925 or e-mail at [wmuzzey@des.state.nh.us](mailto:wmuzzey@des.state.nh.us).

Yours truly

**COPY**  
*[Signature]*  
Richard S. Reed, Administrator  
Solid Waste Management Bureau  
Waste Management Division

**CERTIFIED MAIL #7099 3400 0018 1299 2538**

Attachments: Administrative Order No. WMD 01-16

J. Patterson, NHDoJ  
Gretchen C. Rule, Enforcement Coordinator, NHDES  
David J. Rousseau, NHDES  
Croydon Town File/DB

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Town of Croydon  
Board of Selectmen  
879 NH Route 10  
Croydon, NH 03773

**Administrative Order  
No. WMD 01-16**

December 21, 2001

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to the Town of Croydon pursuant to RSA 149-M:15. This order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. The Town of Croydon ("Town") is a duly-constituted municipality of the State of New Hampshire having a mailing address of 879 NH Route 10, Croydon, NH 03773.

**C. STATEMENT OF FACTS AND LAW**

1. RSA 149-M authorizes DES to regulate the management and disposal of solid waste. Pursuant to RSA 149-M:7, the Commissioner of DES has adopted NH Administrative Rules Env-Wm 100-300, 2100 *et seq.* ("Solid Waste Rules") to implement this program.
2. The Town is the owner of the property identified on the Town tax maps as Tax Map A, Lot 390 ("Property").
3. RSA 149-M:9, I states that "[n]o person shall construct, operate, or initiate closure of a public or private facility without first obtaining a permit from [DES]".
4. RSA 149-M:4, IX defines "facility" as "a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste".
5. A solid waste disposal facility ("Landfill") exists on the Property.
6. A review of DES records has revealed that the Town has not applied for a permit to either operate or close the Landfill.

**D. DETERMINATIONS**

1. The Town has violated RSA 149-M:9, I by failing to obtain a permit to operate or initiate closure activities at the Landfill.

### E. ORDER

Based on the above findings, DES hereby orders the Town as follows:

1. By March 31, 2002, submit to the DES closure design plans for the Landfill prepared in accordance with the Solid Waste Rules.
2. By December 31, 2002, complete closure of the Landfill in accordance with the Solid Waste Rules and final closure design plans submitted by the Town and approved by DES.
3. After closure, conduct post-closure maintenance and monitoring activities in accordance with the Solid Waste Rules and approved closure design documents.

Please address correspondence to:

Mr. Richard S. Reed, Administrator  
Solid Waste Management Bureau  
NHDES, Waste Management Division  
6 Hazen Drive  
Concord, NH 03301-6509

### F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve the Town of the obligation to comply with the Order.

### G. OTHER PROVISIONS

Please note that RSA 149-M provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. The Town remains obligated to comply with all applicable requirements, in particular RSA 149-M and the New Hampshire Solid Waste Rules. DES will continue to monitor the Town's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

**COPY**

Philip J. O'Brien, Ph.D., Director  
Waste Management Division

**COPY**

George Dana Bisbee, Assistant Commissioner  
Department of Environmental Services

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cc: J. Patterson, NHDoJ  
Gretchen C. Rule, Enforcement Coordinator, NHDES  
Croydon Town File/DB